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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,394	07/02/2002	Gino Daniel De-Gol	70471	2902
23872	7590	12/17/2003		
MCGLEW & TUTTLE, PC 1 SCARBOROUGH STATION PLAZA SCARBOROUGH, NY 10510-0827			EXAMINER NGUYEN, KIEN T	
			ART UNIT 3712	PAPER NUMBER 13
DATE MAILED: 12/17/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/070,394

Applicant(s)

DE-GOL, GINO DANIEL

Examiner

Kien T. Nguyen

Art Unit

3712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,10,12-14,16-24,26,27,30-37,41,42,52-54,57-66,68,69 and 71 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,10,12-14,16-24,26,27,30-37,41,42,52-54,57-66,68,69 and 71 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5-8, 10, 12-14, 16-19, 24, 26, 27, 30, 31, 37, 41, 68-69, and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 05158399 in view of EP 0997175.

JP ('399) disclosed an amusement ride comprising an output member having an anthropomorphic robot arm (30) with six degrees of movement, a passenger station (11) movable engagement with the output member, a platform (bottom panel of passenger station 11), a support member (51) in connection to the robot arm and being on the ground, a column (50) where the robot arm mounted thereto. The passenger station comprises one or more seats (12), means for audio-visual interaction having speakers and display means (14), the audiovisual interaction is synchronized with movements of the ride via data carrier (16) in the form of a video player (16) or any equivalent device and connected to the controller (70) adjacent the passenger entrance. Means for rotating the column (50) about Z6 axis that is parallel to the axis of the column. The column (50) can be mounted on a roller coaster or any equivalent ride.

It is noted that JP ('399) failed to teach a computer-controlled safety means as set forth in claim 1. However, EP ('175) disclosed a motion simulator having a computer-controlled safety means in a form of a load sensing device (3) to prevent dynamical overload on the mechanical arm or protect the user of environment against collision and switch (4) to protect user in case of emergency; and the simulator having pre-programmable controller with programming or memory for controlling the movement of the arm (see column 2, lines 47-51). Therefore, it would have been obvious to one of ordinary skill in the art to modify the simulator of JP ('399) with the teaching of EP ('175) as discussed above for the advantage of enhance safety as well as efficiency.

Regarding the specific limitation "computer-controlled" of the safety means as set forth in claim 1, it would have been obvious to one having ordinary skill in the art at the time the invention was made to connect the safety means with the controller for accurately monitoring the load of the mechanical arm, since it has been held that broadly providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. *In re Venner*, 120 USPQ 192.

As for claims 37 and 41, the use of a ticket in a form of a plastic card with bar code for admitting to an amusement ride or purchasing an item is very well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to provide JP ('399) with any known device using plastic bar code card for the purpose of enhancing the flow of the passengers into the amusement ride.

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Claims 3, 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP ('399) modified by EP ('175) as applied to claim 1 above, and further in view of Knijpstra U.S. Patent 5,558,581.

It is noted that the combination of JP ('399) and EP ('175) failed to teach the arm being connected to a wall or a ceiling as set forth in these claims. However, Knijpstra showed an amusement ride having a rotatable seat (11) with an arm (21) connected to a wall (20) or any equivalent surface. Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination of JP ('399) and EP ('175) with the teachings of Knijpstra for the purpose of providing different sensations for the ride.

Claims 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP ('399) modified by EP ('175) as applied to claim 1 above, and further in view of Yoshimoto et al U.S. Patent 5,860,808.

It is noted that the combination of JP ('399) and EP ('175) failed to teach the limitations as set forth in claims 20-23. However, Yoshimoto et al disclosed a simulator having a seat with a retaining means (11) for retaining a passenger to the seat, the retaining means having a belt (13) and pull-down harness (11), and a linear actuator (25) in operative engagement with the retaining means. Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination of JP ('399) and EP ('175) with the teaching of Yoshimoto et al for the purpose of enhancing the safety for the passenger.

Claims 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP ('399) modified by EP ('175) as applied to claim 1 above, and further in view of Meader U.S. Patent 6,079,982.

It is noted that the combination of JP ('399) and EP ('175) failed to teach the use of the controller as set forth in these claims. However, Meader showed a simulator having a joystick controller (36) (Fig. 5) and other controllers (34-39) controlled by the passenger (see column 5, lines 20-40). Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination of JP ('399) and EP ('175) with the controllers as taught by Meader for the purpose of allowing the passenger to control various motions of the station.

Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP ('399) modified by EP ('175) as applied to claim 1 above, and further in view of Maynes U.S. Patent 870,378.

It is noted that the combination of JP ('399) and EP ('175) failed to teach the use of a platform with the steps as set forth in these claims. However, such platform in an amusement ride is very well known in the art as evidenced by platform (29) of Maynes. Therefore, it would have been obvious to one of ordinary skill in the art to modify the amusement ride of JP ('399) and EP ('175) with the platform as taught by Maynes for the advantage of allowing the operator to raise the passenger station to an elevated position.

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Claims 60-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP ('399) modified by EP ('175) as applied to claim 1 above, and further in view of Hayashigawa U.S. Patent 5,865,624.

It is noted that the combination of JP ('399) and EP ('175) failed to teach the use of additional passenger station interacting with each other as set forth in these claims. However, Hayashigawa teach a plurality of motion simulators (10, 12) interacting with each other by various electronic signal transmitters (24). Therefore, it would have been obvious to one of ordinary skill in the art to modify JP ('399) and EP ('175) with the teachings of Hayashigawa for the advantage of allowing the passenger to interact with other simulator.

### ***Response to Arguments***

In response to applicant's argument regarding the limitation "a computer-controlled safety means" as set forth in claim 1, please see the above explanation in the rejection of claim 1.

Applicant's arguments with respect to claims 3, 4, 32-36, 42, 60-66 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kien T. Nguyen whose telephone number is (703) 308-2493. The examiner can normally be reached on 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (703) 308-1745. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3579.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.



Kien T. Nguyen  
Primary Examiner  
Art Unit 3712

Ktn